

AMENDED IN ASSEMBLY AUGUST 21, 2012

AMENDED IN ASSEMBLY AUGUST 7, 2012

AMENDED IN SENATE MAY 3, 2012

AMENDED IN SENATE APRIL 10, 2012

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1380

Introduced by Senator Rubio

(Principal coauthors: Assembly Members Chesbro and Perea)

February 24, 2012

An act to ~~amend, repeal, and add Section 21152.1 of, and to add and repeal Section 21080.20 of;~~ the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Rubio. Environmental quality: California Environmental Quality Act: bicycle transportation plan.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the

environment. CEQA requires the lead agencies to make specified findings in an EIR.

Existing law establishes the Office of Planning and Research (OPR) in the Governor's office. Existing law requires ~~the~~ OPR to assist with, among other things, the orderly preparation of programs of transportation.

Existing law ~~requires~~ *authorizes* a local agency that determines that a project is not subject to CEQA pursuant to certain exemptions and approves or determines to carry out that project, to file notice of the determination with the ~~OPR~~ *county clerk in the county in which the project is located*.

This bill, until January 1, 2018, would exempt from CEQA a bicycle transportation plan for an urbanized area, as specified, and would also require a local agency ~~or person, who~~ *that* determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with ~~the OPR and the county clerk~~. This bill would require OPR to post specified information on its Internet Web site, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21080.20 is added to the Public Resources
- 2 Code, to read:
- 3 21080.20. (a) This division does not apply to a bicycle
- 4 transportation plan prepared pursuant to Section 891.2 of the Streets
- 5 and Highways Code for an urbanized area for restriping of streets
- 6 and highways, bicycle parking and storage, signal timing to
- 7 improve street and highway intersection operations, and related
- 8 signage for bicycles, pedestrians, and vehicles.
- 9 (b) Prior to determining that a project is exempt pursuant to this
- 10 section, the lead agency shall do both of the following:
- 11 (1) Hold noticed public hearings in areas affected by the bicycle
- 12 transportation plan to hear and respond to public comments.
- 13 Publication of the notice shall be no fewer times than required by
- 14 Section 6061 of the Government Code, by the public agency in a
- 15 newspaper of general circulation in the area affected by the
- 16 proposed project. If more than one area will be affected, the notice

1 shall be published in the newspaper of largest circulation from
2 among the newspapers of general circulation in those areas.

3 (2) Include measures in the bicycle transportation plan to
4 mitigate potential vehicular traffic impacts and bicycle and
5 pedestrian safety impacts.

6 *(c) (1) Whenever a local agency determines that a project is*
7 *not subject to this division pursuant to this section, and it*
8 *determines to approve or carry out that project, the notice shall*
9 *be filed with the Office of Planning and Research and the county*
10 *clerk in the county in which the project is located in the manner*
11 *specified in subdivisions (b) and (c) of Section 21152.*

12 ~~(e)–~~

13 (2) The Office of Planning and Research shall post on its
14 Internet Web site each lead agency filing a notice of determination
15 pursuant to this section, as required pursuant to Section 21152.1,
16 a link to the Internet Web site for any plan that was exempt
17 pursuant to this section, and any action or proceeding alleging
18 noncompliance with this division for a plan that was exempt
19 pursuant to this section, the cause of the action, and the case
20 outcome.

21 (d) This section shall remain in effect only until January 1, 2018,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2018, deletes or extends that date.

24 ~~SEC. 2. Section 21152.1 of the Public Resources Code is~~
25 ~~amended to read:~~

26 ~~21152.1. (a) When a local agency determines that a project is~~
27 ~~not subject to this division pursuant to Section 21080.20, 21159.22,~~
28 ~~21159.23, or 21159.24, and it approves or determines to carry out~~
29 ~~that project, the local agency or the person specified in subdivision~~
30 ~~(b) or (c) of Section 21065, shall file notice of the determination~~
31 ~~with the Office of Planning and Research.~~

32 ~~(b) All notices filed pursuant to this section shall be available~~
33 ~~for public inspection, and a list of these notices shall be posted on~~
34 ~~a weekly basis in the Office of Planning and Research. Each list~~
35 ~~shall remain posted for a period of 30 days.~~

36 ~~(c) Failure to file the notice required by this section does not~~
37 ~~affect the validity of a project.~~

38 ~~(d) Nothing in this section affects the time limitations contained~~
39 ~~in Section 21167.~~

1 ~~(e) This section shall remain in effect only until January 1, 2018,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2018, deletes or extends that date.~~

4 ~~SEC. 3. Section 21152.1 is added to the Public Resources Code,~~
5 ~~to read:~~

6 ~~21152.1. (a) When a local agency determines that a project is~~
7 ~~not subject to this division pursuant to Section 21159.22, 21159.23,~~
8 ~~or 21159.24, and it approves or determines to carry out that project,~~
9 ~~the local agency or the person specified in subdivision (b) or (c)~~
10 ~~of Section 21065 shall file notice of the determination with the~~
11 ~~Office of Planning and Research.~~

12 ~~(b) All notices filed pursuant to this section shall be available~~
13 ~~for public inspection, and a list of these notices shall be posted on~~
14 ~~a weekly basis in the Office of Planning and Research. Each list~~
15 ~~shall remain posted for a period of 30 days.~~

16 ~~(c) Failure to file the notice required by this section does not~~
17 ~~affect the validity of a project.~~

18 ~~(d) Nothing in this section affects the time limitations contained~~
19 ~~in Section 21167.~~

20 ~~(e) This section shall become operative on January 1, 2018.~~